

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andres F. Zuluaga et al. Art Unit : 3737
Serial No. : 10/602,345 Examiner : Parikha Solanki
Filed : June 23, 2003 Conf. No. : 1603
Title : INTRALUMINAL SPECTROSCOPE WITH WALL CONTACTING PROBE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), INFRAREDX, INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the above-referenced patent application. The assignment was recorded in the Patent and Trademark Office at Reel 014757, Frame 0081 on December 8, 2003.

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of the patent to issue from U.S. application serial no. 10/940,468 provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with the patent to issue from U.S. application serial no. 10/940,468.

The assignee identified above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of the patent to issue from U.S. application serial no. 10/940,468 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of the patent to issue from U.S. application serial no. 10/940,468.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Please apply the \$65 charge for the required fee pursuant to 37 C.F.R. § 1.29(d), along with any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 12258-029001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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